

# Notice of Allowability

Application No.

09/378,196

Examiner

Brian D. Nguyen

Applicant(s)

SHAFFER ET AL.

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 5/31/05.
2. ☒ The allowed claim(s) is/are 1-4, 15, 5-7, 16, 8, 12, 13, 17, and 14 (renumbered 1-14, respectively).
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 5.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 06212005.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**BRIAN NGUYEN**  
**PRIMARY EXAMINER**  
Paper No./Mail Date 06212005

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Greg Leitich on 6/20/05.

3. The application has been amended as follows:

**Claim 1.** (Current Amended) A telecommunications system, comprising:

a packet switched network;

one or more telephony devices coupled to said packet switched network, said one or more telephony devices configured to communicate using one or more coding algorithms; and

a bandwidth allocation server configured to cause a renegotiation of which of said coding algorithms said one or more telephony devices communicates with while said one or more telephony devices are communicating using a predetermined coding algorithm;

wherein said bandwidth allocation sever is adapted to transmit one or more renegotiation signals to one or more telephony devices involved in a communication a telephony device seeks to join and one or more telephony devices involved in another communication,

~~wherein a renegotiation is based on a modified demand, demand, a percentage of voice load allowed, and a percentage of calls expected to be activated.~~

wherein said renegotiation is based on a modified demand (MD), wherein said modified demand is determined based on a demand (D) calculated by dividing available network

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bandwidth by the number of idle users, a percentage of voice load allowed (VLA), and a percentage of calls expected to be activated (EA).

**Claim 5.** (Currently Amended) A method for operating a telecommunication system, comprising:

monitoring network usage at a bandwidth allocation server, said monitoring including monitoring a plurality of conference calls; and

changing codec speed for said plurality of conference calls based on said monitoring network usage, responsive to signals from said bandwidth allocation server, ~~wherein said changing based on network usage is based on a determination of demand, modified demand, a percentage of voice load allowed, and a percentage of calls expected to be activated. wherein~~ said changing codec speed based on said monitoring network usage is based on a determination of a modified demand (MD), wherein said modified demand is determined based on a demand (D) calculated by dividing available network bandwidth by the number of idle users, a percentage of voice load allowed (VLA), and a percentage of calls expected to be activated (EA).

**Claim 8.** (Currently amended) A telecommunications device, comprising:

means for establishing a connection with another telecommunications device using a first coding algorithm; and

means for changing a communication over said connection from said first coding algorithm to a second coding algorithm, said changing means responsive to one or more signals from a bandwidth allocation server that monitor network conditions, said bandwidth allocation server adapted to transmit said signals to all active multimedia entities, ~~said changing means including means for changing based on a determination of demand, modified demand, a~~

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~~percentage of voice load allowed, and a percentage of calls expected to be activated. said~~  
changing means including means for changing based on a determination of a modified demand  
(MD), wherein said modified demand is determined based on a demand (D) calculated by  
dividing available network bandwidth by the number of idle users, a percentage of voice load  
allowed (VLA), and a percentage of calls expected to be activated (EA).

**Claim 12.** (Currently amended) A telecommunications device according to claim 10 ~~8~~, wherein said changing means including means for monitoring network usage, said monitoring means monitors said network usage for actual and requested quality of service (QoS) levels.

**Claim 15.** (Currently amended) A telecommunications system in accordance with claim 1, wherein ~~said renegotiation based on a demand, modified demand, percentage of voice load allowed, and percentage of calls expected to be activated~~ is responsive to a modified threshold determination, wherein [a] said modified demand is calculated substantially according to the following:  $MD = (D * VLA) / EA$ , ~~where MD is modified demand, D is demand calculated by dividing available network bandwidth by the number of idle uses; VLA is percentage voice load allowed, and EA is percentage of calls expected to be activated.~~

**Claim 16.** (Currently amended) A method in accordance with claim 5, wherein said changing codec speed is responsive to a modified threshold determination, wherein [a] said modified demand is calculated substantially according to the following:  $MD = (D * VLA) / EA$ , ~~where MD is modified demand, D is demand calculated by dividing available network bandwidth by the number of Idle users; VLA is percentage voice load allowed, and EA is percentage of calls expected to be activated.~~

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**Claim 17.** (Currently amended) A telecommunications device in accordance with claim 8, wherein said determination changing means is responsive to a modified threshold determination, wherein [a] said modified demand is calculated substantially according to the following:  $MD = (D * VLA) / EA$ , ~~wherein MD is modified demand, D is demand calculated by dividing available network bandwidth by the number of idle users, VLA is percentage voice load allowed, and EA is percentage of calls expected to be activated.~~

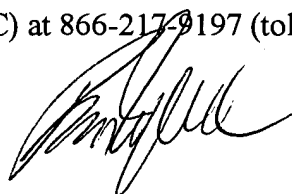
**Specification**, page 1, line 8, after "26, 1999.", insert --now U.S. pat No. 6,757,277--

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



6/21/05

**BRIAN NGUYEN  
PRIMARY EXAMINER**